

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15864 of 2025

Arising Out of PS. Case No.-347 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Nathuni Rai S/O Late Ramadhar Rai Resident of Village - Karahasi, Police
Station- Natwar, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Sasaram (M) P.S. Case No. 347 of 2024 lodged on 03.08.2024, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against two named accused persons. Total recovery of 42.120 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that petitioner is not named in the FIR, but his name has been figured in this case later on during investigation, due to the reason that the motorcycle from which the recovery has been made is registered in the name of petitioner. Counsel submits that petitioner has already sold his motorcycle in 2016 itself and subsequently, the purchaser of the said motorcycle further sold the motorcycle to another person. Counsel submits that petitioner ought to transfer his motorcycle by virtue of filing up the Form 26 of the Motor Vehicles Act, 1988, but he has failed to do so. Counsel further submits that petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on bail subject to the condition that he shall take necessary steps to get his vehicle in question transferred by submitting the appropriate form to the concerned District Transport Officer, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of



the BNSS, 2023 to the satisfaction of Exclusive Special Excise Court no.2-cum-Additional District & Sessions Judge, Rohtas at Sasaram, in connection with Sasaram (M) P.S. Case No. 347 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. The Trial Court shall accept the petitioner’s bail bond only upon the production of sufficient proof showing that the petitioner has submitted the duly completed form required for transferring the vehicle in question to the concerned District Transport Officer, bearing the signatures of both the petitioner and the purchaser.

(Dr. Anshuman, J)

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